

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 8.12.2016

CORAM

THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE M.SUNDAR

W.P.Nos.42519 to 42542 and 42436 to 42441 of 2016

M.Nagarajan	.. Petitioner in WP.42519/16
P.Ramu	.. Petitioner in WP.42520/16
Alakubathirakali	.. Petitioner in WP.42521/16
Pazhaniammal	.. Petitioner in WP.42522/16
Chitra D.	.. Petitioner in WP.42523/16
Palani A.	.. Petitioner in WP.42524/16
Sagunthala.S	.. Petitioner in WP.42525/16
Manivannan. A	.. Petitioner in WP.42526/16
Ravi. M	.. Petitioner in WP.42527/16
Jambu.G	.. Petitioner in WP.42528/16
Rajaraman.K	.. Petitioner in WP.42529/16
Muthu Ayesha.S	.. Petitioner in WP.42530/16
Kumaraguru.V	.. Petitioner in WP.42531/16
Saroja.S	.. Petitioner in WP.42532/16
Vengatesan.L	.. Petitioner in WP.42533/16
Lakshmi.R	.. Petitioner in WP.42534/16
Dhanalakshmi.M	.. Petitioner in WP.42535/16
Gunasundari.G	.. Petitioner in WP.42536/16
Santha.K	.. Petitioner in WP.42537/16
Kalavathi.M	.. Petitioner in WP.42538/16
Kavitha.S	.. Petitioner in WP.42539/16
Vijayan.N	.. Petitioner in WP.42540/16
Raja.G	.. Petitioner in WP.42541/16
Stalin Selvaumar.S	.. Petitioner in WP.42542/16
Kannaki.M	.. Petitioner in WP.42436/16
Anjalai	.. Petitioner in WP.42437/16
Tamilarasi.V	.. Petitioner in WP.42438/16
Thenmozhi.S	.. Petitioner in WP.42439/16
Raj Kumar.M	.. Petitioner in WP.42440/16
Karpagam.A	.. Petitioner in WP.42441/16

Vs.

1. The District Collector
Kanchipuram District.

2. The Tahsildar
Sriperambudur Taluk

WEB COPY

3. The Assistant Engineer
Public Works Department
W.R.D. Irrigation Section
Padappai - 601 301.

4. The Revenue Inspector
Public Works Department
Padappai, Sriperambudur. .. Respondents in all WP's

and batch cases.

Common Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to Call for the records in proceedings No.nil, dated 07.11.2016, on the file of 3rd respondent and quash the same as illegal, in competent and further forbearing the respondents from interfering with the Petitioner's peaceful possession and enjoyment respectively Varadharajapuram, Sri Peruambadur Taluk, Kancheepuram.

For Petitioners : Mr.V.Raghavachari
For Respondents : Mr.R.Vijayakumar
Addl. Government Pleader

COMMON ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The learned Additional Government Pleader concedes that the process of enquiry as envisaged in the judgment of the Division Bench in T.S.Senthil Kumar v. The Government of Tamil Nadu and others, (2010) 3 MLJ 771, has admittedly not been followed in the present cases. He, however, submits that the scope of enquiry is limited to the extent that whether it is patta land and/or whether it is a water body.

2. It is nobody's case that pattas have been issued in respect of these lands. Thus, the scope of enquiry is limited to the extent of whether the area is a water body and covered under the provisions of the Tamil Nadu Protection of Tanks and Eviction of Encroachments Act, 2007 or not.

3. There is some controversy over the receipt of the notices, as it is alleged that the same were pasted. Be that as it may, the respondents have filed in Court today material to substantiate the plea of the area being water body with a copy handed over to the learned counsel for the petitioners, as also

notices. The result is that the controversy over receipt of notices is put to an end and these notices will be treated now as show cause notices.

4. The petitioners to thus file their reply within fifteen days with material to establish that the area in question is not a water body covered under the provisions of the said Act. An enquiry would be held and thereafter appropriate orders passed by the competent authority within a maximum period of one month thereafter. Naturally, till the enquiry is not completed, no coercive process will be taken and in case the verdict is against the petitioners, for a period of two weeks after communication of the order to the petitioners.

These petitions stand disposed of accordingly. No costs. Consequently, W.M.P.Nos.36433, 36435, 36437, 36439, 36441, 36443, 36445, 36447, 36449, 36451, 36453, 36455, 36457, 36459, 36461, 36463, 36465, 36467, 36469, 36471, 36473, 36475, 36477, 36479, 36315 to 36326 of 2016 are closed.

-s/d-
Assistant Registrar

True Copy
Sub-Assistant Registrar

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To:

1. The District Collector
Kanchipuram District.
2. The Tahsildar
Sriperambudur Taluk
3. The Assistant Engineer
Public Works Department
W.R.D. Irrigation Section
Padappai - 601 301.
4. The Revenue Inspector
Public Works Department
Padappai, Sriperambudur.

+4 ccs to M/s.V.Raghavachari Advocate sr 72429 to 72432
+3 ccs to Government Pleader High Court Madras sr nos.
72386, 72385, 72383

W.P.Nos.42519 to 42542 and 42436 to 42441 of 2016

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